

Options for Ensuring Joint Standing Committees Review Annual Reports Submitted by Quasi-independent State Entities under 5 MRSA §12023

1. Introduce legislation to add a review requirement to 5 MRSA §12023. For example,

5 MRSA §12023, sub-§3 might read:

“Committee Review. By DATE, a joint standing committee of the Legislature receiving the reports required by sub-§2 shall review the reports received for at least the prior year, and gather additional information as necessary from the submitting entities, to assess whether policies and procedures adopted by the governing body in accordance with 5 MRSA §12022, sub-§§3, 4 and 5 are consistent with expectations established in those sub-sections and whether all reported waivers of competitive procurement and reported contributions made are in compliance with the adopted policies and procedures, including proper justification and documentation.”

Considerations:

- Committee staff would likely need to bring this responsibility/requirement to the attention of the committee chairs and support the committee during this review.
- Whether the committees perform the review and how thoroughly will likely be impacted by the committees’ other work load.
- Setting the date for review as every two years in the second regular session might be more reasonable timing than requiring review every year. If every two years, should specify in the language that reports from at least the previous two years would be reviewed.

2. Introduce legislation to require that the annual reports be reviewed as part of the Government Evaluation Act review of the relevant agencies. For example:

3 MRSA §957, sub-§3-A might read:

“The extent to which policies and procedures adopted by the governing body in accordance with 5 MRSA §12022, sub-§§3, 4 and 5 are consistent with expectations established in those sub-sections and whether all contributions and waivers of competitive procurement reported to the Legislature in accordance with 5 MRSA §12023, sub-§2 are in compliance with the adopted policies and procedures, including proper justification and documentation.”

Considerations:

- Ten of the 24 quasi-independent entities required to submit annual reports are not scheduled for a Government Evaluation Act review. Two of these may be incorporated within the GEA reviews of State Departments (Child Development Services and Maine Technology Institute).
- Committee staff already informs committees about their GEA responsibilities and support them during those reviews.
- Under the GEA statute, Joint Standing Committees can choose to waive the scheduled GEA review. Whether the committees perform the review and how thoroughly will likely be impacted by the committees’ other work load.
- The GEA reviews are on an 8 year cycle, consequently the annual reports on procurement and contributions by the quasi entity would not necessarily get timely review by the JSCs. Nine of the 14 quasi entities scheduled for a GEA review are due up for the GEA in either 2015 or 2017, two of them are due in 2019 and the remainder are due in 2021.